

EXHIBIT A

FILED
MISSOULA, MT

2006 JAN 18 AM 9 59

PATRICK E. DUFFY

BY

DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

MISSOULA DIVISION

UNITED STATES OF AMERICA,)	CR 05-07-M-DWM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
W. R. GRACE, ALAN R. STRINGER,)	
HENRY A. ESCHENBACH, JACK W.)	
WOLTER, WILLIAM J. McCAIG,)	
ROBERT J. BETTACCHI, O. MARIO)	
FAVORITO, ROBERT C. WALSH,)	
)	
Defendants.)	

Before the Court is the Defendants' motion for permission to photocopy medical records for use by retained experts. Under the current terms of the protective order covering medical records in this case, the Defendants are prohibited from photocopying the medical records of the government's testifying witnesses. See Order dated November 23, 2005 (dkt #236) at p. 19. The Defendants ask that they be allowed to photocopy the records to facilitate simultaneous review of the records by several experts. The Defendants have assured the Court that the experts to whom the photocopied records will be given are all medical doctors.

The United States does not oppose the motion.

The Defendants have articulated a legitimate basis for seeking permission to photocopy the medical records. The records may be photocopied, subject to such terms (listed below) as are necessary to secure the privacy of the testifying witnesses.

Accordingly, IT IS HEREBY ORDERED that the Defendants' motion to allow photocopying (dkt #273) is GRANTED, and the protective order relating to medical records, established by Order dated November 23, 2005, is amended as follows:

(1) The Defendants may create photocopies of the medical records for the government's testifying witnesses. The Defendants may make only as many copies as are necessary to provide one complete copy of the records to each expert witness already retained.

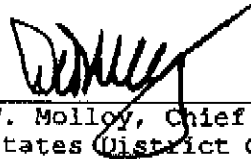
(2) The photocopied medical records may not be used for any purpose other than review by retained experts.

(3) The Defendants shall maintain a complete log of the number of photocopies made and to whom those copies are given. The Defendants shall use Bates numbering or some other unique numbering system to allow them to identify and account for each copied set of records.

(4) Paragraphs (1) through (8) and Paragraph (10) of the Court's November 23, 2005 Order (dkt #236, pp. 18-21) remain in effect with respect to the medical records and all photocopies.

This includes the prohibition against copying records except as authorized by Paragraphs (1) through (3) above.

DATED this 18th day of January, 2006.



Donald W. Molloy, Chief Judge
United States District Court